

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to repeal and adopt regulations contained in Title 4, Division 9, Chapter 1, Article 2.2. The technology for watthour meters has evolved to include electronic watthour meters. The existing watthour meter code does not recognize electronic watthour meters and will be repealed. The proposed regulations will address both mechanical and electronic watthour meters.

The Legislature has charged the Department with the responsibility of supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100). The Secretary of the Department of Food and Agriculture is granted the authority to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5, Section 12027. Section 12107 gives the Secretary the authority to establish tolerances and specifications for commercial weighing and measuring devices not included in the National Institute of Standards and Technology Handbook 44.

Requirements for watthour meters are not included in Handbook 44. Tolerances, specifications, and other requirements for mechanical watthour meters have previously been established in the California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2, Electric Watthour Meters. The proposed regulations will recognize and accommodate new and existing technology.

A public hearing is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 8500 Fruitridge Road, Sacramento, California 95826. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on May 10, 2004.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Food and Agriculture proposes to repeal Article 2.2., Electric Watthour Meters and adopt a new Article 2.2., Electric Watthour Meters to recognize electronic watthour meters and include mechanical watthour meters with appropriate tolerances and specifications based on:

California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2.
Electric Watthour Meters

American National Standard for Electricity Metering, ANSI C12.1-2001

American National Standard for Electricity Metering, ANSI C12.10-1997

National Electrical Manufacturers Association, NEMA EI 21.1-1993

Handbook for Electricity Metering, ninth edition

SECTION 4027. A. APPLICATION.

This section specifies that this code applies to the newer technology electronic watthour meters as well as to conventional type mechanical watthour meters. Specific section numbers are added to clarify the reference to General Code requirements. Additionally, clarification is provided to indicate when requirements apply only to electronic or mechanical watthour meters.

SECTION 4027.1. DEFINITIONS OF TERMS.

This section defines terms used in Article 2.2. that have special meaning as used in this code section. The definitions are necessary to provide inspectors, manufacturers, installers, users, and service agents with clear meanings of the terms that are used to describe specifications, testing procedures, tolerances, and user requirements.

SECTION 4027.2. S. SPECIFICATIONS.

This section makes clear and specific the specification requirements for meter manufacturers, service agents, and installers of electronic and mechanical watthour meters.

This section incorporates parts of the specification requirements existing in the current California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2. Electric Watthour Meters; the American National Standard Code for Electricity Metering, ANSI C12.1-2001 edition; American National Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters; National Electrical Manufacturers Association, NEMA EI 21.1-1993 edition; and Handbook for Electricity Metering, ninth edition.

SECTION 4027.3. N. NOTES.

This section incorporates the testing notes existing in the current California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2., the American National Standard Code for Electricity Metering, ANSI C12.1-2001 edition; American National Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters; National Electrical Manufacturers Association, NEMA EI 21.1-1993 edition; and Handbook for Electricity Metering, ninth edition. This section also defines, explains, and makes specific procedures applicable to meter tests. By defining tests and explaining the conditions of the test, manufacturers, service agents and inspectors can duplicate the testing for compliance requirements.

SECTION 4027.4. T. TOLERANCES.

This section incorporates the tolerance requirements existing in the current California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2., Electric Watthour Meters; the American National Standard Code for Electricity Metering, ANSI C12.1-2001 edition; and the American Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters. It states the limits of inaccuracy permitted before the meter is required to be removed from service due to inaccuracies.

SECTION 4027.5. UR. USER REQUIREMENTS.

This section incorporates the user requirements found in existing California Code of Regulations, Title 4, Division 9, Chapter 1, Article 2.2 Electric Watthour Meters; the American National Standard Code for Electricity Metering ANSI C12.1-2001 edition; American National Standard for Electricity Metering, ANSI C12.10-1997 edition for watthour meters. These requirements provide for safe and accurate metering installations for installers, users, and inspectors.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Secretary has initially determined that this proposal does not impose a mandate on local agencies or school districts.

The Secretary has also initially determined that this action will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposal will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING EFFECT ON JOB/BUSINESSES

The Secretary has determined that this action will have no effect on the creation or elimination of jobs, creation of new or elimination of existing businesses or the expansion of businesses in California.

ALTERNATIVES CONSIDERED

The Secretary must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE

Pursuant to Business and Professions Code, Division 5, Sections 12027 and 12107.

CONTACT PERSON

Inquiries about the notice or regarding the substance of the proposed regulatory action may be directed to Roger Macey, Branch Chief, Division of Measurement Standards at (916) 229-3043 or Ken Lake, Program Supervisor, Division of Measurement Standards at (916) 229-3047.

EFFECT ON SMALL BUSINESS

The Department has made an assessment that the proposed regulations will not affect small businesses because this regulation makes only technical, non-substantive, or clarifying changes to current law and regulations, and incorporates standards for newer technology not recognized in the current regulation. Businesses that comply with current regulations will remain in compliance under the proposed regulations.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the statement of reasons, and the proposed regulations in ~~strikeout~~ and underline form may be obtained upon request.

The rulemaking file and all information on which the proposal is based, is located at the Division of Measurement Standards, 8500 Fruitridge Road, Sacramento, California 95826, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's web site located at www.cdfa.ca.gov/dms.

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulations adopted by the Department differ from but is sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting Roger Macey, Branch Chief, Division of Measurement Standards, at (916) 229-3043.

DEPARTMENT OF FOOD AND AGRICULTURE

Date

Valerie Brown, Deputy Secretary